

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: **MISC. NO. 01004**
Partial Vacation of Leavitt's Subdivision

DATE: April 27, 2001

PROPOSAL: The State of Nebraska and Lancaster County have requested the vacation of Lots 1 through 6, Leavitt's Subdivision.

GENERAL INFORMATION:

APPLICANT: State of Nebraska
Dept. of Correctional Services
PO Box 94661
Lincoln, NE 68509

Lancaster County
Gary Lacey, Lancaster County Attorney

LEGAL DESCRIPTION: Lots 1 through 6, Leavitt's Subdivision, including all of Dairy Drive west of S. 14th Street, located in the NE1/4 of Section 11, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: AG Agricultural (Lots 1-4, Leavitts Subdivision)
P Public Use (Lots 5-6, Leavitts Subdivision)

EXISTING LAND USE: Vacant land, with a correctional center under construction

SURROUNDING ZONING AND LAND USE: The land to the north and west is owned by the State of Nebraska and is zoned AG Agricultural. The Lincoln Mattress Factory lies to the south of Dairy Drive and is zoned H-3 Highway Commercial. AG Agricultural fields lie to the south.

COMPREHENSIVE PLAN SPECIFICATIONS: In conformance. The State land is designated as Public and Semi-Public and the County land is shown as Industrial on the Comprehensive Plan Land Use Map.

Although the County land is designated as Industrial, the 1994 Comprehensive Plan states: "Only the largest and most significant public facilities are shown on the land use plan. Dependent on their compatibility with the surrounding area, small scale public and semi-public land uses may be allowed within all land use categories." The land use map in the updated Comprehensive Plan should reflect this public use and ownership.

Dairy Drive is not shown on the Existing or Future Functional Street and Road Classification Maps.

HISTORY: **August 9, 1886** Leavitt's Subdivision is approved, consisting of 8 lots and Marshall Street.

Feb. 26, 1914 Ryan's Subdivision of Lots 7 and 8 Leavitt's Subdivision is approved.

MISCELLANEOUS NO.01004
PAGE 2

Jan. 9, 1985

Ordinance No. 14016 renames Marshall Street as Dairy Drive.

Dec. 18, 2000

City Council places Street and Alley Vacation #00021 on pending. This SAV would have vacated Dairy Drive.

ANALYSIS:

1. This request to vacate a portion of the Leavitt's Subdivision plat is associated with Street and Alley Vacation #00021, the vacation of Dairy Drive. If Dairy Drive were vacated without the partial vacation of Leavitt's Subdivision, Lots 2-5 of Leavitt's Subdivision would lose their access to a public street.
2. This plat vacation, if granted, would eradicate Lots 1-4 and 5-6 of Leavitt's Subdivision and Dairy Drive. Three parcels of land would be created: one owned by the State, one owned by the County, and one for the owner of Lot 7, Ryans Subdivision. The County surveyor would then assign an irregular tract number to each. Each parcel would then have access to a public street.
3. The owner of the abutting Lot 7, Ryans Subdivision signed the petition for Street and Alley Vacation #00021. If approved, this plat vacation will achieve the same end; it is therefore presumed that the abutting property owner would not object to the proposed plat vacation.
4. In the Street and Alley Vacation petition, the State indicated that it would waive its right to purchase any of vacated Dairy Drive. If this proposal is approved, all of the Dairy Drive right-of-way adjacent to Lot 7, Ryans Subdivision should be transferred to the owner of Lot 7, and all of the right-of-way adjacent to Lots 5 and 6, Leavitt's Subdivision should be transferred to the County.
5. If this plat vacation is approved, Street and Alley Vacation #00021 would not be required and should be withdrawn.

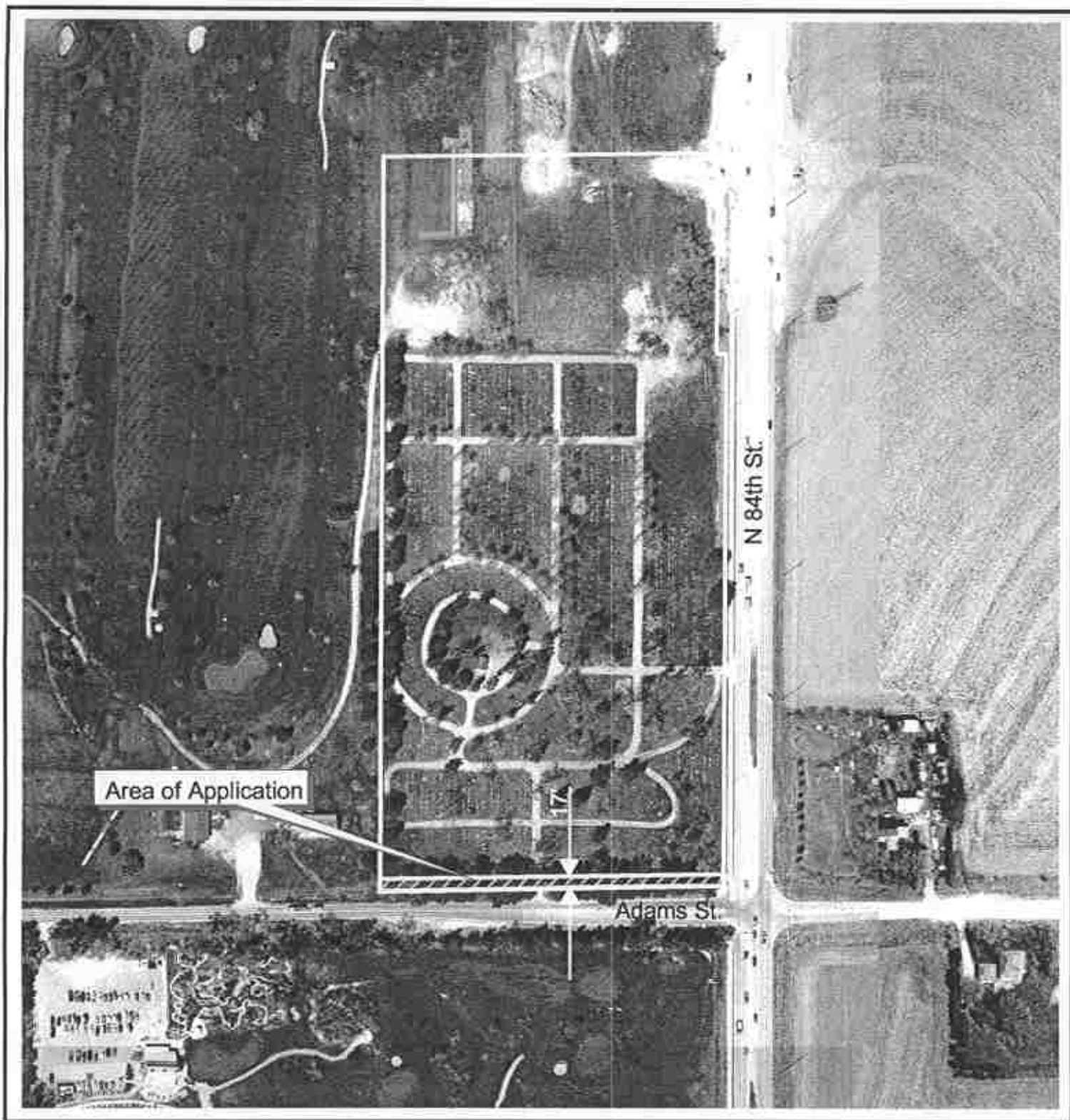
STAFF RECOMMENDATIONS: **Conditional approval**

CONDITIONS:

1. That all easements for future electrical corridors are retained.

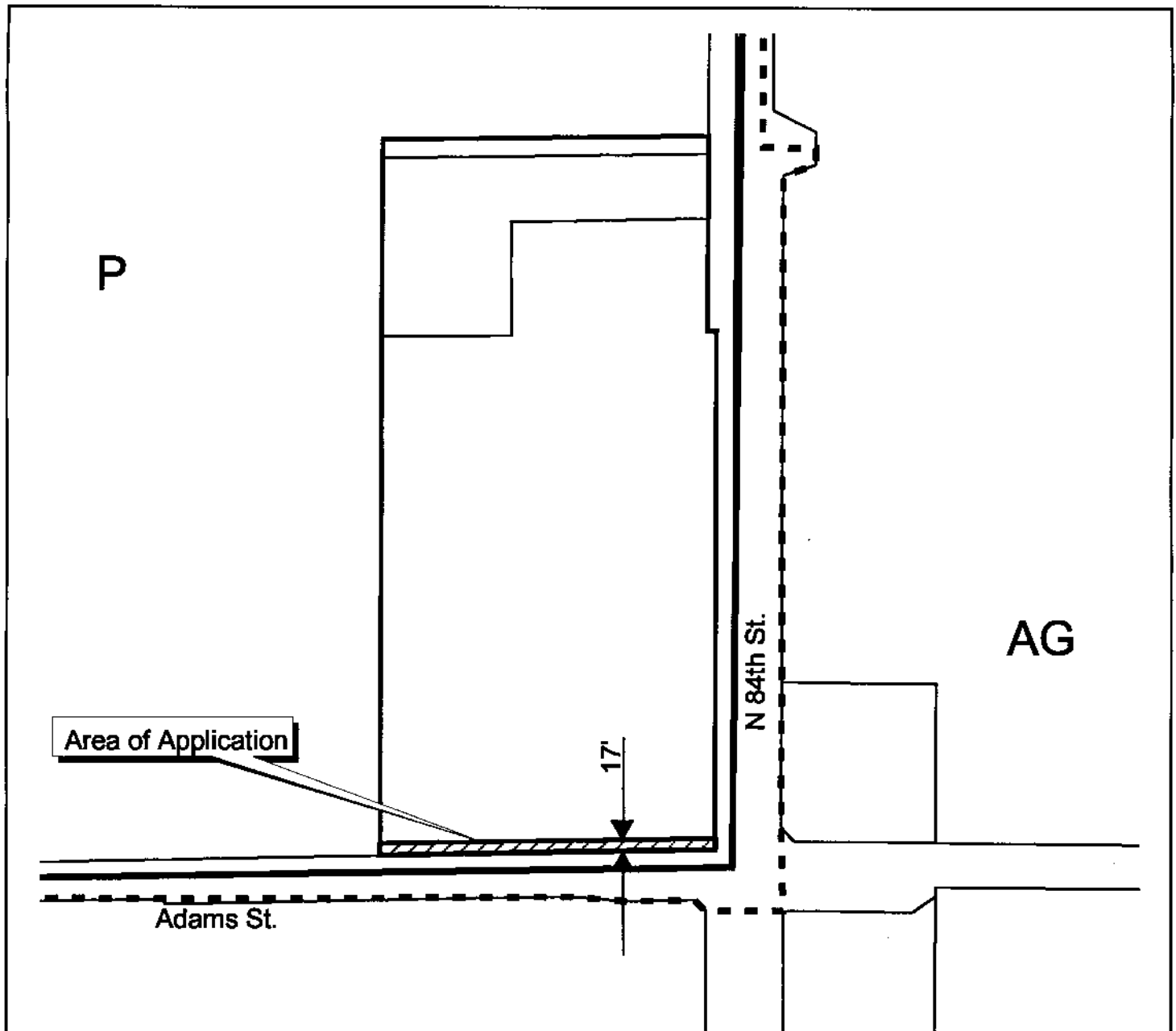
Prepared by:

Jason Reynolds
Planning Department



Waiver of Design Standards #01003
84th & Adams



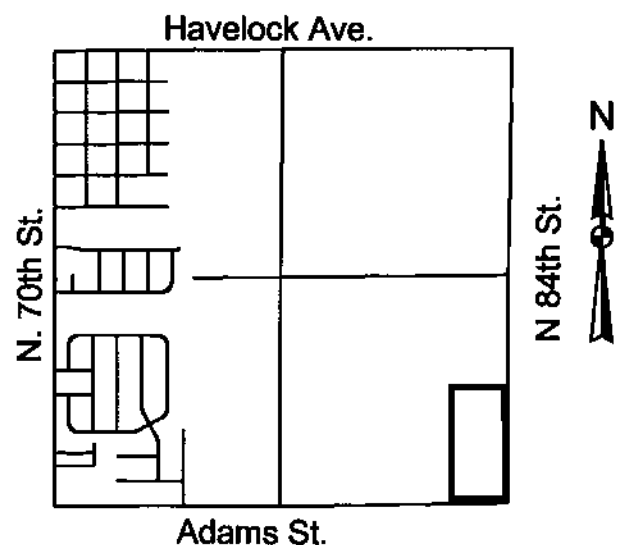
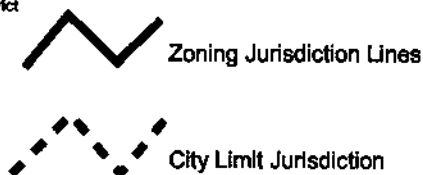


Waiver of Design Standards #01003 84th & Adams

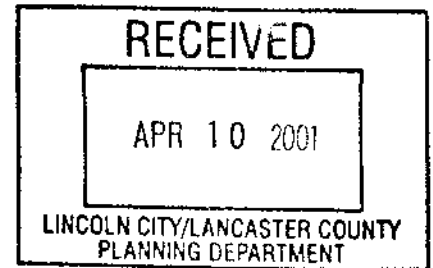
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 10 T10N R7E



Memo



To: Ray Hill, Planning ✓
From: Lynn Johnson, Parks and Recreation
CC: J. J. Yost
Date: 4/9/01
Re: Fairview Cemetery Plat


Lynn Johnson

As you know, Parks and Recreation has submitted an application for a final plat consolidating property proposed to be declared surplus property by the City with the remaining area of Fairview Cemetery. The consolidated parcel will have frontage on North 84th Street and Adams Street. It is my understanding that the Public Works Department has requested that additional land be dedicated on the north side of Adams along the frontage of the Cemetery parcel. At present there is 33 feet of right of way north of the centerline of the right of way. The centerline of the paving is located 10 feet south of the centerline of the right of way. There are two rows of pines along the southern boundary of Fairview Cemetery. It appears that the property line is approximately at the base of the southern row of pines. The rows of trees are approximately 20 feet apart. Dedication of an additional 17 feet of right of way would place the property boundary at approximately the base of the second row (northerly row) of pines.

It is my understanding from talking with Mike Hutchinson, Wyuka Cemetery, that there are an unspecified number of unmarked graves located between the two rows of pines. This area apparently was historically used as a location for "pauper graves". Thus it appears that dedication of additional right of way along the south boundary of Fairview Cemetery would place gravesites within the public right of way. The purpose of this letter is to request that a waiver be granted from the requirement to dedicate additional right of way for West Adams Street.

Please phone me at 441-8265 with questions or comments. Thanks for your assistance.

Attachment: Map outlining south end of Fairview Cemetery

A black and white photograph of a cemetery. The foreground is a grassy area with scattered leaves. In the middle ground, a row of tall, thin trees stands. To the right, a white banner is strung across the path, with text labels pointing to it. The background shows more trees and a glimpse of a street.

Area of "pauper grave sites"

property boundary

West Adams Street

FAIRVIEW CEMETERY

Looking East

Memorandum

To: Kay Liang, Planning Department
From: Charles W. Baker, Public Works and Utilities *Buff*
Subject: Waiver of Design Standards #01003, Fairview Cemetery ROW¹
Date: April 27, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan and concur with Lynn Johnson's letter supporting the waiver for not requiring additional right-of-way along Fairview Cemetery at 84th and Adams Streets. The moving of the numerous 'Pauper's Graves' and the row of evergreen trees to accomplish the requirement of the 50' right-of-way is not necessary at this time, and Public Works will also support the proposed waiver.